

# Regulation and Extending Consumer Credit

Department of Consumer Affairs  
3600 Forest Drive, Suite 300  
Columbia, South Carolina 29206



**BUSINESS RULES & ONLINE TOOLS WORKSHOP**

# Overview

- Danny R. Collins
  - Deputy for Regulatory Enforcement
  - [dcollins@scconsumer.gov](mailto:dcollins@scconsumer.gov)
  - (803) 734-4240
- Department of Consumer Affairs
  - P.O. Box 5757
  - Columbia, SC 29250-5757
  - [www.scconsumer.gov](http://www.scconsumer.gov)
- Industries Regulated by Department



## BUSINESS RULES & ONLINE TOOLS WORKSHOP

# Industries Regulated by Department

In addition to taking consumer complaints and administering the Consumer Credit Code, the Department of Consumer Affairs regulates a number of businesses that require some type of license or other filing to operate.



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# Athlete Agents

- Contact Information:
- Carri Lybarker, Staff Attorney
  - [clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov) (803) 734-4297
- Darlene Dinkins, Program Coordinator
  - [ddinkins@scconsumer.gov](mailto:ddinkins@scconsumer.gov)
  - (803) 734 734-4209
- Law:
  - S.C. Code Sections 59-102-10 and following



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# Athlete Agents (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$10,000 and/or 3 years
  - School has a private cause of action
  - Administrative injunction, revocation and/or fine up to \$100,000
- Filing Date and Fees
  - Initial: within 72 hours of contact with student athlete
  - Renewal: two years from date of initial filing
  - \$500 for initial filing
  - \$300 for renewal
- Forms and the Law are on the Website
- Continuing education is not required



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# Consumer Credit Counseling Services

- Contact Information:
- Carri Lybarker, Staff Attorney
  - [clybarker@scconsumer.gov](mailto:clybarker@scconsumer.gov)
  - (803) 734-4297
- Darlene Dinkins, Program Coordinator
  - [ddinkins@scconsumer.gov](mailto:ddinkins@scconsumer.gov)
  - (803) 734 734-4209
- Law:
  - S.C. Code Sections 37-7-101 and following
  - Includes credit counseling, debt settlement, debt management and credit repair



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# Consumer Credit Counseling (continued)

- Penalties for not being compliant
  - Misdemeanor– up to \$500 and/or 6 months
  - Consumer private cause of action
  - Administrative injunction, revocation and/or fine up to \$5,000
- Filing Date and Fees
  - By January 31<sup>st</sup> of each year
  - \$100 per location
  - \$50 for each counselor
- Forms and the Law are on the Website
- Continuing education is required



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# Continuing Care Retirement Communities

- Contact Information:
- Elliot Elam, Consumer Advocate
  - [eelam@scconsumer.gov](mailto:eelam@scconsumer.gov)
  - (803) 734-4189
- Rachael Meehan, Program Coordinator
  - [rmeehan@scconsumer.gov](mailto:rmeehan@scconsumer.gov)
  - (803) 734-4226
- Law:
  - S.C. Code Sections 37-11-10 and following



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# Continuing Care Retirement Communities (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$10,000 and/or 1 year
  - Administrative injunction, revocation and/or fine up to \$5,000 per violation
- Filing Date and Fees
  - License required prior to opening
  - Renewal – each year on date of initial license date
  - \$2,000 initial and renewal
- Forms and the Law are on the Website
- Continuing education is not required



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# Discount Medical Plans

- Contact Information:
- Elliott Elam, Consumer Advocate
  - [eelam@scconsumer.gov](mailto:eelam@scconsumer.gov)
  - (803) 734-4189
- Rachael Meehan, Program Coordinator
  - [rmeehan@scconsumer.gov](mailto:rmeehan@scconsumer.gov)
  - (803) 734-4226
- Law:
  - S.C. Code Sections 37-17-10 and following



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# Discount Medical Plans (continued)

- Penalties for not being compliant
  - Administrative injunction, revocation and/or fine up to \$10,000 per violation
- Filing Date and Fees
  - By January 31<sup>st</sup> of each year
  - \$500 to \$1,000 (depending on size of organization)
- Forms and law are on the Website
- Continuing education is not required



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# Mortgage Brokers

- Contact Information:
- Charles Knight, Staff Attorney
  - [cknight@scconsumer.gov](mailto:cknight@scconsumer.gov)
  - (803) 734-4187
- Barbara Childress, Program Coordinator
  - [bchildress@scconsumer.gov](mailto:bchildress@scconsumer.gov)
  - (803) 734-4249
- Joanna Brooks, Licensing Specialist
  - [jbrooks@scconsumer.gov](mailto:jbrooks@scconsumer.gov)
  - (803) 734-4358
- Law:
  - S.C. Code Sections 40-58-10 and following



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# Mortgage Brokers (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$500 and/or 6 months
  - Private cause of action
  - Administrative injunction, revocation and/or fine up to \$5,000
- Filing Dates and Fees
  - Broker – by September 30<sup>th</sup> of each year
  - Initial -- \$750
  - Renewal -- \$550
  - Loan Originator – by March 31<sup>st</sup> of each year
  - Initial and renewal -- \$50
- Forms and the Law are on the Website
- Continuing education is required



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# Motor Club Services

- Contact Information:
- Elaine Gamble, Administrative Assistant
  - [aclark@scconsumer.gov](mailto:aclark@scconsumer.gov)
  - (803) 734-4291
- Danny Collins, Deputy for Regulatory Services
  - [dcollins@scconsumer.gov](mailto:dcollins@scconsumer.gov)
  - (803) 734-4240
- Law:
  - S.C. Code Sections 39-61-10 and following



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# Motor Club Services (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$500 and/or 3 months
  - Administrative injunction, revocation and/or fine up to \$5,000
- Filing Dates and Fees
  - Motor Club – by October 31<sup>st</sup> of each year
  - \$500 for initial and renewal
  - Club representative – by April 30<sup>th</sup> of each year
  - \$20 for initial and renewal
- Forms and the Law are on the Website
- Continuing education is not required



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# Pawnbrokers

- Contact Information:
- Helen Fennell, Chief Enforcement Attorney
  - [hfennell@scconsumer.gov](mailto:hfennell@scconsumer.gov)
  - (803) 734-4241
- Nikia Willingham, Administrative Assistant
  - [nwillingham@scconsumer.gov](mailto:nwillingham@scconsumer.gov)
  - (803) 734-4246
- Law:
  - S.C. Code Sections 40-39-10 and following



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# Pawnbrokers (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$1,000 and/or 60 days
  - Private cause of action
  - Action against bond
  - Administrative injunction, revocation and/or fine up to \$15,000
- Filing Date and Fee
  - By June 30<sup>th</sup> of each year
  - \$275 per location
- Forms and the Law are on the Website
- Continuing education is not required



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# Physical Fitness Services

- Contact Information:
- Helen Fennell, Chief Enforcement Attorney
  - [hfennell@scconsumer.gov](mailto:hfennell@scconsumer.gov)
  - (803) 734-4241
- Nikia Willingham, Administrative Assistant
  - [nwillingham@scconsumer.gov](mailto:nwillingham@scconsumer.gov)
  - (803) 734-4246
- Law:
  - S.C. Code Sections 44-79-10 and following
  - Includes gyms, health spas, sports clubs, weight control centers, and tanning centers
  - but not golf clubs



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# Physical Fitness Services (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$5,000 and/or 3 years
  - Private cause of action
  - Administrative injunction, revocation and/or fine up to \$5,000
- Filing Date and Fee
  - By December 31<sup>st</sup> of each year
  - \$50 for initial and renewal
- Forms and the Law are on the Website
- Continuing education is not required



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# Preneed Funeral Contracts

- Contact Information:
- Alicia Clark, Program Coordinator
  - [aclark@scconsumer.gov](mailto:aclark@scconsumer.gov)
  - (803) 734-4291
- Danny Collins, Deputy for Regulatory Enforcement
  - [dcollins@scconsumer.gov](mailto:dcollins@scconsumer.gov)
  - (803) 734-4240
- Law:
  - S.C. Code Sections 32-7-10 and following
  - Must be licensed funeral director



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# Preneed Funeral Contracts (continued)

- Penalties for not being compliant
  - Misdemeanor – up to \$1000 and/or 6 months
  - Administrative revocation
  - Board of Funeral Services may also take action against Funeral Home License and/or Funeral Director License
- Filing Date and Fee
  - License required before selling
  - \$250 fee
  - No renewal is required
- Forms and the Law are on the Website
- Continuing education is required for funeral directors



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# Prepaid Legal Services Plans

- Contact Information:
- Elaine Gamble, Administrative Assistant
  - [egamble@scconsumer.gov](mailto:egamble@scconsumer.gov)
  - (803) 734-4236
- Danny Collins, Deputy for Regulatory Enforcement
  - [dcollins@scconsumer.gov](mailto:dcollins@scconsumer.gov)
  - (803) 734-4240
- Law:
  - S.C. Code Sections 37-16-10 and following
  - Club representatives must be appointed by Company and cannot apply directly to the Department



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# Prepaid Legal Services Plans (continued)

- Penalties for not being compliant
  - Administrative injunction, revocation and/or fine up to \$5,000
- Filing Dates and Fees
  - Company – by March 1<sup>st</sup> of each year
  - \$800
  - Company Representative – by October 1<sup>st</sup> of each year
  - \$40
- Forms and the Law are on the Website
- Continuing education is not required



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# Professional Employer Organizations

- Contact Information:
- Hana Williamson, Staff Attorney
  - [hwilliamson@scconsumer.gov](mailto:hwilliamson@scconsumer.gov)
  - (803) 734-4188
- Timmie Gibson, Program Coordinator
  - [tgibson@scconsumer.gov](mailto:tgibson@scconsumer.gov)
  - (803) 734-4251
- Law:
  - S.C. Code Sections 40-68-10 and following



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# Professional Employer Organizations (continued)

- Penalties for not being compliant
  - Administrative injunction, revocation and/or fine up to \$50,000
  - Civil action in court
- Filing Date and Fees
  - By September 30<sup>th</sup> of every other year
  - Initial for single organization -- \$2,000
  - Initial for organization group - \$, 4000
  - Renewal for single organization - \$1,500
  - Renewal for organization group - \$3,000
  - Also subject to assessment based on volume
- Forms and the Law are on the Website
- Continuing education is required



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# Using the Department's Website

- [www.scconsumer.gov](http://www.scconsumer.gov)
- Go to Licensing, Regulation and Filing
- Click on the Industry of interest
- You should be able to find the law, regulations and forms for any of the industries covered above.



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